

TEACHING CULTURAL COMPETENCE AS A FUNDAMENTAL LAWYERING SKILL

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In approximately twenty-five years, the United States will become “majority minority” or “minority white.”¹ As the legal writing and lawyering skills community looks to the future, we must proactively respond to this ongoing demographic shift. Specifically, we must prioritize teaching cultural competence as a fundamental lawyering skill—one that all successful lawyers practice. If we fail to meet this challenge, we will fall short of our obligation to adequately prepare today’s students. We will also be complicit in the legal profession’s slide away from the diverse population that it seeks to serve tomorrow.

With the increasing racial and ethnic diversity in the United States and the world’s growing global economy, professors cannot afford to treat cultural competence as a “soft skill” or as an optional topic to cover as time permits. An attorney’s cultural competence (or lack thereof) touches on all aspects of the attorney-client relationship and on all aspects of an attorney’s professional communications, so professors must teach students how to appropriately and effectively manage their interactions with people from cultures different from their own.

Of course, there are a number of personal and professional challenges with respect to teaching cultural competence. On a personal level, not all professors may feel comfortable teaching the skill. For example, a white professor who does not have experience teaching or working in a multicultural setting may feel ill-suited to teach cultural competence, particularly when staring into a sea of

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¹ William H. Frey, *The US Will Become ‘Minority White’ in 2045*, *Census Projects*, Brookings (Mar. 14, 2018), <https://www.brookings.edu/blog/the-avenue/2018/03/14/the-us-will-become-minority-white-in-2045-census-projects/>.

diverse faces. On a professional level, finding time to cover more material during limited classroom hours—usually two to three hours per week—is undoubtedly a concern. Also, some students may resist learning cultural competence depending on how relevant they perceive the skill to be for their future practice. In any case, all students will eventually have to navigate culturally diverse clients, colleagues, supervisors, opposing counsel, and judges. Therefore, professors have a duty to best these personal or professional challenges and teach students self-awareness and appreciation for different perspectives so they are practice ready.

Professors can overcome personal discomfort with teaching cultural competence by approaching it as they approach any topic with which they are unfamiliar or uncomfortable—with an open mind and thoughtful and adequate preparation. There is no shortage of book chapters, articles, and essays on cultural competence as a lawyering skill.² In addition, there is innovative literature on becoming a culturally proficient professor.³ Professors should also be willing to make mistakes in this area. If professors make mistakes and acknowledge their limitations, they model the value of learning and appreciating diverse perspectives.

As far as finding the time to cover cultural competence, professors can integrate relevant lessons into their current curriculum where they are naturally relevant. For example, cultural competence fits into classes on client interviewing and counseling, and knowing and understanding one's audience.

In addition, professors can integrate issues on diversity and inclusion into their assignments by diversifying their actors.⁴ For example, professors should balance racial and ethnic representation

² See, e.g., STEFAN H. KRIEGER & RICHARD K. NEUMANN, JR., *ESSENTIAL LAWYERING SKILLS* 59-65 (4th ed. 2011); see generally MARY-BETH MOYLAN ET AL., *GLOBAL LAWYERING SKILLS* (2d ed. 2018); Neil Hamilton & Jeff Maleska, *Helping Students Develop Affirmative Evidence of Cross-Cultural Competency*, 19 ST. MARY'S L. REV. ON RACE & SOC. JUSTICE 187 (2017); Serena Patel, *Cultural Competency Training: Preparing Law Students for Practice in Our Multicultural World*, 62 UCLA L. REV. DISC. 140 (2014); Travis Adams, *Cultural Competency: A Necessary Skill for the 21st Century Attorney*, 4 WM. MITCHELL L. RAZA J. 2 (2013).

³ See generally Anastasia M. Boles, *The Culturally Proficient Law Professor: Beginning the Journey*, 48 N.M. L. REV. 145 (2018).

⁴ For a detailed discussion on integrating race into legal writing and lawyering skills assignments, see Charles R. Calleros, *Training a Diverse Student Body for a Multicultural Society*, 8 BERKELEY LA RAZA L.J. 140, 147-156 (1995).

in their hypothetical problems so students can visualize attorneys, judges, and other legal actors in a way that reflects our diverse society and so students of color have an opportunity to see themselves in the profession, which still lags in diversity.

Moreover, professors can integrate multicultural substantive issues into their assignments. By doing so, professors encourage critical thinking about the impact law has on different communities and stimulate discussions about race, sex, and culture and how they influence the way that people view and analyze the law and understand legal problems. Professors can also create opportunities to provide students with feedback on their cultural competence skills.

Finally, although some students may be skeptical of cultural competence as a skill or may struggle to see its value, professors can address this challenge by teaching students about changing demographics, by reminding students that law is a service profession, and by making the case that being culturally competent is the “right” thing to do. Of course, demonstrating the importance of cultural competence also lies in how we teach it. Students learn the importance of certain skills because professors prioritize them. If professors prioritize cultural competence, students will be eager to understand its importance.

Several panels at the 2018 LWI Biennial Conference discussed integrating cultural competence into existing curriculum, including “Understanding Cultural Competency as a Core Lawyering ‘Skill’”⁵ and “Things Have Changed Since You Were in Law School: Tips for New Teachers.”⁶ However, we must move beyond simply discussing cultural competence at conferences. If we are going to fulfill our obligation of adequately preparing the next generation of lawyers, and helping them provide a professional service to an increasingly diverse population, we must now commit to teaching cultural competence as a fundamental lawyering skill.

⁵ Cara Cunningham Warren, Sha-Shana Crichton, Sandra Simpson, and Jeff Proske, *Understanding Cultural Competency as a Core Lawyering “Skill,”* LWI Biennial Conference, Milwaukee, Wisconsin (July 14, 2018).

⁶ Lindsey Blanchard, Ederlina Co, and Dan Croxall, *Things Have Changed Since You Were in Law School: Tips for New Teachers,* LWI Biennial Conference, Milwaukee, Wisconsin (July 14, 2018).